THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.33384 of 1998

Dated: 21.03.2007

Between:

S.Sailaja D/o S.Rama Chandraiah

..... PETITIONER

AND

N.T.R. University of Health Sciences,
represented by its Registrar, Vijayawada.

.....RESPONDENT

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.33384 of 1998

ORDER:

Petitioner belongs to Samban caste, which is a scheduled caste and she pursued upto her intermediate education as a scheduled caste candidate based on the caste certificate issued by the Revision Divisional Officer, Kavali, Nellore District. When she intended to pursue her MBBS course during the academic years 1998-99, the respondent insisted her to produce the latest caste certificate. Aggrieved thereby, this writ petition is filed.

Despite service notice, the respondent has not chosen to file any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

Learned counsel for the petitioner laid emphasis on a judgment of the Apex Court in ***R.Kandasamy v. Chief Engineer, Madras Port Trust***[1]***,*** wherein it was held that the certificate issued by the Tahsildar was valid and the action of the respondents in refusing to accept the same and insisting upon fresh certificate from Revenue Divisional Officer was invalid. In the said judgment, it was also held as under.

> "In our opinion the community certificate issued to a Scheduled Tribe candidate by the Tahsildar prior to 11.11.1989 is a good and valid community certificate for all purposes so long as such a certificate is not cancelled. The authorities cannot decline to take that into consideration and insist upon a fresh community certificate from the Revenue Divisional Officer."

In the light of the said judgment, this Court is of the view that the respondent shall not insist the petitioner for production of the latest caste certificate. Further, in view of the interim order passed by this Court on 01.12.1998 in W.P.M.P.No.41042 of 1998, directing the respondent to consider the claim of the petitioner for admission based on the caste certificate dated 07.06.1993, the petitioner must have completed her MBBS course.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

21.03.2007

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[1] (1997) 7 scc 505